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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**

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7 MAHMUD MAHDI,

8  
9 Plaintiff,

10 v.

11 AMERICAN AIRLINES, INC., a foreign  
12 corporation; AMERICAN AIRLINES  
GROUP, INC., a foreign corporation; DOES  
and ROES 1-100; inclusive,

13 Defendants.  
14

Case No. 2:17-cv-02853-RFB-GWF

**ORDER**

Plaintiff's Motion to Amend Complaint  
(ECF No. 26)

15 **I. INTRODUCTION**

16 This matter is before the Court on Plaintiff Mahmud Mahdi's Motion to Amend the  
17 Complaint. ECF No. 26. For the reasons discussed below, Plaintiff's motion is granted.  
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19 **II. BACKGROUND**

20 Plaintiff filed a Complaint in Nevada state court on October 17, 2017, which was removed  
21 to this Court on November 14, 2017. ECF No. 1. Defendants filed a Motion to Dismiss on  
22 November 20, 2017. ECF No. 6. Magistrate Judge Foley entered a Scheduling Order on December  
23 11, 2017, which gave the parties until February 13, 2018 to amend the pleadings or add parties.  
24 ECF No. 14. Plaintiff filed the instant Motion to Amend Complaint on January 11, 2018.  
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26 **III. LEGAL STANDARD**

27 Amendment of pleadings is governed by Rule 15 of the Federal Rules of Civil Procedure,  
28 provided that leave to amend is requested prior to the expiration of the deadline for amending

1 pleadings as set forth in the scheduling order, if one has been entered. AmerisourceBergen Corp.  
2 v. Dialysist West, Inc., 465 F.3d 946, 952 (9th Cir. 2006); Coleman v. Quaker Oats Co., 232 F.3d  
3 1271, 1294 (9th Cir. 2000) (stating that Rule 16 applies where a court has “filed a pretrial  
4 scheduling order that established a timetable for amending the pleadings, and the deadline [has]  
5 expired” before the filing of the motion to amend).

6 According to Rule 15, courts should freely grant a party leave to amend “when justice so  
7 requires.” Fed. R. Civ. P. 15(a)(2). Courts are to apply this policy with “extreme liberality.” Owens  
8 v. Kaiser Found. Health Plan, Inc., 244 F.3d 708, 712 (9th Cir. 2001) (internal quotation marks  
9 omitted). In general, leave to amend under Rule 15 should be denied only where there is a  
10 “showing of bad faith, undue delay, futility, or undue prejudice to the opposing party”—  
11 considerations commonly referred to as the Foman factors. Chudacoff v. Univ. Med. Ctr. of S.  
12 Nevada, 649 F.3d 1143, 1152 (9th Cir. 2011); Foman v. Davis, 371 U.S. 178, 182 (1962). Prejudice  
13 is the “touchstone” of the Rule 15(a) analysis, however, and therefore receives the greatest weight.  
14 Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003). “Absent prejudice,  
15 or a strong showing of any of the remaining Foman factors, there exists a *presumption* under Rule  
16 15(a) in favor of granting leave to amend.” Id. (emphasis in original).

#### 17 18 **IV. DISCUSSION**

19 The Court finds that Defendants have not carried their burden of demonstrating that they  
20 will be prejudiced by the amendment, nor have they shown that any of the remaining Foman factors  
21 strongly favor dismissal. Defendants have not offered any reasons why the minimal delay in  
22 amending the Complaint prejudiced them. Defendants’ factual allegations regarding Plaintiff’s  
23 diligence in pursuing his Title VII claims are unpersuasive at this stage of the proceeding.  
24 Therefore, in light of the Federal Rules’ liberal policy favoring amendment, the Court grants  
25 Plaintiff leave to amend his Complaint.

#### 26 27 **V. CONCLUSION**

28 For the reasons stated above,

1           **IT IS ORDERED** that Plaintiff's Motion to Amend (ECF No. 26) is GRANTED. Plaintiff  
2 shall have 14 days from the date of this Order to file the Amended Complaint.

3           **IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss (ECF No. 6) is  
4 DENIED without prejudice in light of the Amended Complaint.

5           **IT IS FURTHER ORDERED** that the stay in this case is lifted.

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7           DATED: June 12, 2018.

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**RICHARD F. BOULWARE, II**  
**United States District Judge**